

THE "CRISE" METCALFE

AND

The Lafontaine-Baldwin

CABINET DEFENDED.

LETTER

OF


(Dunbar Ross)
TO THE

Legislative Assembly

OF

CANADA.

At sperate Deos memores fandi atque nefandi.—VIRG.

Quebec :

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1844.

TO THE
"FREE AND INDEPENDENT" MEMBERS

OF THE

Legislative Assembly of Canada,



GENTLEMEN,

There never was a period in the history of Canada when the Representatives of the people were more imperatively called upon to make a stand for their rights, in a spirit of honest independence and loyalty to the Sovereign, than the approaching Session, in which you are to enter upon the fulfilment of the solemn task which you have undertaken at the hands of your country. I trust that the honorable though hacknied title, by which I have presumed to address you, embraces within its exalted category, every man who, under an oath to his Queen and his country, will pass the threshold of the Legislative Hall.

You assemble now under an aspect of affairs differing essentially from the usual condition of things at the periodical sittings of the Legislature, when public men resort to Parliament impressed perhaps with the importance of a variety of state measures, which may happen to be under contemplation, but without, nevertheless, concentrating their forces or their energies on any one point, and possibly, without directing their attentions to any one subject in particular. You have been selected to fill your present posts, not in virtue of a common and ordinary election, had upon the expiration of a quaternial Parliament, but in consequence of a premature dissolution of the Parliament of your predecessors, and upon a solemn appeal to your constituents, by the Head of the Executive, to determine the merits and demerits of a quarrel between him and his constitutional advisers. You resemble in some measure the Grand Criminal Inquest of the Country, summoned to investigate certain charges preferred against your fellow beings and fellow subjects. You stand in the light of a special jury empannelled to try an important state prosecution, and to find a verdict either for the accuser,—a high dignitary and the Representative of Royalty, or for the accused—the humble functionaries of the people. You are about to perform the important functions of a tribunal in the last resort, and to stand in judgment upon the appeal to you by the contending parties, from the sentence pronounced by your predecessors, in the cause of the fautors of irresponsible executive power on the one hand, arrayed against the people's mandatories,—the advocates of the British Constitution, and British Constitutional freedom, on the other.

The great question of the day is the propriety of the resignation of the late ministry, or in other words, their dismissal from office in the month of November last, and the course to be adopted by you, the new Legislative Assembly, specially summoned to decide this political controversy.

In order to reach a sound conclusion in the matter, a variety of subordinate points, involved in its issue, must be duly considered and determined in connexion with the main subject.

First:—Whether the system of Responsible Government established in this Province, is, in so far as relates to its local affairs, identical with the practical working of the British Constitution in the Mother Country, and the responsibility of Ministers to the majority of the House of Commons.

Secondly:—What was the real cause of the quarrel between His Excellency Sir Charles Metcalfe and the Ex-Ministers; and whether, divested of all subtilities, and paltry quibblings as to form, it was not as to the right to be consulted on all appointments to office, claimed by the ministry, and denied by the Governor General.

Thirdly:—Whether the ministry were constitutionally justified in setting up this right, and the Governor General wrong in resisting it,—or vice versa.

Fourthly:—Whether the mere assertion of the right to be consulted, set up—rightly or wrongly—by the late ministry, implied a design on their part to subvert the authority of the British Crown in the Province; and whether the manner of asserting it, or their conduct—or that of their adherents, since the resignation, was indicative of any treasonable purpose, or of any other object or design whatever, than the mere enunciation of a constitutional right, which they conscientiously believed themselves to possess; and whether the course pursued by them in this matter, was not perfectly compatible with the most profound loyalty to their Sovereign;—and whether the Governor General was justified in charging them publicly and repeatedly with disaffection, disloyalty, and a desire to overthrow the authority of Great Britain in Canada.

Fifthly and lastly:—Whether,—the ministers being justified in resigning their offices,—ought now to be sus-

sustained in their position, and the confidence of the Representatives of the people withheld from any other public men accepting office in their stead, of whatever party or politics.

The third and fifth are obviously the great points to be determined ; and they must be decided with reference strictly to the state of parties at the time of the split in November last, without regard to the subsequent conduct of either party. But the fourth proposition which has arisen out of the conduct of the Governor General and his partizans since the resignation, as it assails the characters, as well of the late ministers, as of a large majority of the last Legislative Assembly, and of the people of Canada, is essentially connected with the merits of the quarrel, as it now presents itself before your House, and is entitled to your most solemn deliberation and decision.

The concession to Canada, by Great Britain, of a representative form of Government, modelled upon the established constitution of that country, necessarily implied that the administration of its local affairs should be controlled by the people through their representatives ; and all the evils which have befallen this unhappy land may be ascribed to the hitherto almost universal error, that this system, in practice, was incompatible with the subordinate relation of the Colonies to the Parent State. This fallacy has been exploded, and is now never heard, save in the mouths of a remnant of that class termed " official," who cling to it for the sake the emoluments which its corrupt practice alone could procure for them ; or of such as are grossly ignorant of the true principles of that great model of popular institutions which it is our pride and our ambition to imitate ;

or of some who, if they happen to understand it, have no feeling in common with the permanent inhabitants of Canada, whom they deem unworthy of the rights and privileges of British subjects.

After an attempt—of fifty years duration!—to carry out a representative form of government, regardless of the declared wishes of the people, which alone could give it vitality, and in diametrical and contemptuous opposition to the daily illustrations of a different practice in the very country whence the system has been derived, the principle of responsibility to the majority of the popular Branch is at last formally and solemnly recognized and established in practice, as well by Her Majesty's Instructions conveyed in the despatches of the Colonial Minister, her constitutional organ, as by the resolutions of the Legislative Assembly of the 3rd September 1841, sanctioned by the Home Government, and ratified by their public approval of the administration of Sir Charles Bagot, under whom it obtained its due constitutional sway.

It is certainly matter of pardonable surprise, that at this day such an unqualified recognition of a constitutional responsibility in the Colonial Ministry to the popular Branch, in relation to mere local affairs, should be controverted in any quarter, and least of all by Her Majesty's present Representative, whose advent to this country was heralded by an enumeration of the many laurels acquired by him in the advocacy of popular rights, against the encroachments of unconstitutional power;—more especially when it is considered that his novel pretensions on this head were daily obnoxious to rebuke from the fresh recollection of the opposite and beneficent policy pursued by his predecessor.

In whatever shape the difficulties which have supervened in this Province since the month of November last,—in whatever guise they may be presented to public notice,—be the contending parties who they may,

it is but the continuation of the struggle for constitutional Government—that responsibility of the Executive council to the Representatives of the people, contended for during half a century, and now happily consummated in the country. The opposition to it is but the last effort, the expiring howl of that mercenary class, who, by servility, venality and corruption, have marred the prosperity of the Colony, and whom, to our disgrace be it said, that portion of the population self-styled British, have improperly, though perhaps unwittingly supported, by countenancing a schism among the inhabitants of Canada possessing no character of distinction, save the odious one of natural origin, which rendered it the more permanent by reason of its being founded on prejudices and the absence of all principle.

That system in the administration of Colonial affairs termed Responsible Government has now, however, been fully conceded, in as much as it is admitted on all sides,—as well by the late Ministers, as by the Governor General, and by Viger, Ryerson, Moffatt, &c; and what every body says must be true. But we differ, and have been quarrelling since the month of November last, about its interpretation, caused probably by the want of an accurate and settled definition of the principle, it being exceedingly difficult to interpret that which we cannot define. It is somewhat remarkable that a great many political writers, and newspaper editors, strenuously support the system as understood by His Excellency Sir Charles Metcalfe *in the month of November last*, and as strenuously characterise the pretensions of the Ex-ministers on this head, as extravagant, untenable, and even republican, and nevertheless wind up their logical pates by terming it “undefinable”! It is always *definable*,—when viewed through the medium of a Governor General’s understanding; it is ever “undefinable”, when it obviously and palpably harmonises with the views of the Ex-ministers.

The term "Responsible Government" is, and certainly ought to be of simple solution. It means, and can mean nothing else, than the application of the working of the British Constitution, to the administration of the local affairs of every Colony possessing a representative form of Government modelled on that constitution, precisely in the same manner, and subject to the same liabilities and changes as in the Metropolitan Government, without in the least degree trenching on any question of an imperial nature, or affecting the general policy of the Empire, or the dependency of the Colony upon the Parent state. In carrying out this system the Governor General cannot, or at least ought not, without previously consulting his Executive Council,—Ministry,—Responsible advisers, or by whatever name they may be designated, introduce any measure of a local nature into either Branch of the Legislature, veto any measure matured by them, appoint to any office in the Province, nor do any other act whatever, in the local administration of the Government, without observing this constitutional formality. He is not nevertheless *bound* to follow the advice; and where, on any given occasion, he either abstains from consulting them, or, having done so, acts contrary to their advice, as in the absolute and independent exercise of the Prerogative he most absurdly *may* do, the Ministry, if they deem the act of such a character as to compromise those political principles, by force of which they have been raised to office, or that they otherwise do not choose to assume the responsibility of it, may resign their offices. It is manifest that in this particular the independent exercise, by the Governor General, of the Royal Prerogative, is as necessary for the healthy working of the principle on behalf of the people, as on the part of the Crown; this species of antagonism being the only expedient to which the Governor General can resort in order to rid himself of advisers, whose political influence may be on the

wane, and for appointing others more congenial to what he may conceive to be the wishes of the majority of the people. It is of course superfluous to add that the term of office of every ministry must ever and invariably be determined by the majority of the Assembly, and by them alone, it being always left to the prudence, discretion, skill, and tact of the reigning ministry, and to the admonishing signs of the times, to determine, whether a mere numerical majority can justify their further retention of office.

Such is a plain exposition of Responsible Government as adapted to colonial administrations, and which is perfectly compatible with the subordinate relation of the Colonies to the Parent State, and the general responsibility of the Representative of the Sovereign to the Home Government; for when he follows the advice of his Colonial Cabinet, which will in general be almost thrust upon him under the working of the new system recognized in the Colony by his Superiors, it is absurd to suppose that he is not relieved, *pro tanto*, from all further responsibility in regard to acts of a purely local character,—notwithstanding the idle vapourings about *imperium in imperio*—colonial dependency,—responsibility of the Governor to the authorities of Downing Street, &c. &c.

For the information of that class who knit their brows at the mere mention of the term “Responsible” in any shape, I shall make a small extract from a work already more than once alluded to, from the pen of the late lamented ANDREW STUART, Esquire, an eminent member of the Lower Canada bar, and for many years a member of the Provincial Parliament, a man distinguished by his unceasing advocacy of a liberal and enlightened policy, highly esteemed by all parties in the Province, and who, as a statesman or a jurist, has not left his equal behind him.

(“Review of the Proceedings of the Legislature of Lower Canada in the session of 1831. p. 136”)

“ “ By the Colonial Constitution, as it stands upon paper,
 “ the Executive Council is not only a council of advice,
 “ but a council of controul. The Governor cannot grant
 “ one acre of ground without their consent. In all matters
 “ of public policy within the colony, it is his bounden duty
 “ to take their advice ; he is not, it is true, absolutely
 “ bound to follow it when given—but when he does so, he
 “ is relieved from all responsibility ; and, on the other
 “ hand, when he acts without or against their advice, he
 “ acts *suo periculo* :—Besides the Governor, who is a
 “ moveable officer, there are several fixed officers of the
 “ colonial government—by whose means, in conjunction
 “ with the Executive Council, it seems to have been
 “ expected, that that steadiness and uniformity of action,
 “ without which no government can long stand, would be
 “ obtained. These are—The Lieutenant Governor of the
 “ Province, who is understood at the same time to be
 “ chairman of the Executive Council ; the Chief Justice
 “ of the Province, performing functions somewhat analo-
 “ gous, if I may be allowed to compare small things to
 “ great, with the duties and functions of the Lord Chan-
 “ cellor of England. There is, further—the Secretary of
 “ the Province, who was destined to occupy a position
 “ in the colonial government, somewhat analogous to that
 “ of the Secretary of State in England. To these are to
 “ be added—the Law Officers of the Crown, by whose
 “ advice, in all law matters, the Governor is absolutely
 “ bound ; the Surveyor General, a highly important
 “ officer ; the judiciary, and its officers. All these are
 “ permanent powers residing within the Colony, and
 “ which, the framers of the general instructions thought,
 “ would be abundantly sufficient to prevent the Executive
 “ Government from degenerating into a government of
 “ will, or a pure autocracy, which it now is. It will not
 “ be uninteresting to look into the causes which have led
 “ to this event. All the offices under the Government being
 “ during pleasure, and the British Government, naturally

“ looking to their Governors here, for the selection of fit
 “ persons to fill the Councils, they very naturally chose,
 “ that the officers of Government who environed them,
 “ and of whose flexibility of will and purpose they were
 “ duly sensible, should compose them. The Executive
 “ Council has accordingly been progressively falling into
 “ public discredit. For a long time the Governors con-
 “ sulted them as they were bound to do, but of late years
 “ this decent ceremony is often omitted ; thus, for instance,
 “ there is reason to believe that, from the time of the Earl
 “ of Dalhousie, the Governors have not condescended to
 “ submit to the Council any of their speeches at the open-
 “ ing or the close of the Sessions of the Provincial Par-
 “ liament, nor are they consulted upon the general course
 “ of public policy within the Colony.

“ The Council cannot afford to resent this neglect,
 “ because they are all of them placemen, and the Gover-
 “ nor is taught to consider himself as the sole spring of
 “ all executive power within the Colony. Another cir-
 “ cumstance also, which prevents a proper control of the
 “ Governor in other public matters, is his sole and exclu-
 “ sive patronage of all offices of honour and emolument.
 “ Many of the high public functionaries must and do have
 “ families and others dependent upon them. The love of
 “ office is one of the maladies of this continent, and the
 “ men in office are naturally desirous of getting as many
 “ of their own family into office as they can. In this posi-
 “ tion of things, to expect that each public functionary
 “ should discharge his duty without an eye to the pleasure
 “ or the displeasure of the Governor, for the time being,
 “ is to expect more public virtue than we have yet been
 “ able to find in these hyperborean regions. Again, the
 “ Lieutenant Governor in point of practice, has always
 “ been a cypher, whether he opposed the Governor in
 “ Chief as General Hope did Lord Dorchester, or did
 “ nothing at all, as all General Hope’s successors in office
 “ have done. The Lieutenant Governor thus withdrawn,

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“ his place in the Executive Council came to be occupied
“ by the Chief Justice for the time being. I need not say,
“ that by these means, this last mentioned public officer,
“ came to be too intimately mixed up with the local poli-
“ tics of the Province, and there then came into his hands,
“ a concentration of power not merely adverse to, but sub-
“ versive of all public freedom.

“ The manner in which the patronage of the Governor
“ has been exercised has been highly injurious to the gov-
“ ernment. The power of the Governor ought to be con-
“ trolled in some shape or other in the exercise of this
“ patronage. It is not here as it is in England, where a
“ ministry comes in and goes out; and the mischiefs of
“ this colonial abuse are, therefore, perpetuated from
“ governor to governor. The new governor is obliged to
“ use the instruments which his predecessor has left him;
“ and these, sometimes bad enough, selected perhaps by
“ a governor, who with the best intentions in the world,
“ has converted his patronage into an eleemosynary fund
“ for decayed widows, and for men whose only claim to
“ be provided for, is, that they cannot provide for them-
“ selves.

Such is a picture of the discordant elements of colo-
nial Government which have at last subsided into a
system admitted *on all sides* to be feasible.

It is then undisputable that the system of responsi-
bility of certain public officers in the Colonial Administra-
tion, now introduced into this Province by the Resolu-
tions of 1841 is, in so far as relates to its local affairs,
perfectly identical with the practical working of the Bri-
tish Constitution in the Mother Country, and the res-
ponsibility of the British Cabinet to the majority of the
House of Commons,—thus establishing the first point
involved in the ministerial quarrel.

The next point is to ascertain the *real cause of that
quarrel.*

The following is the case announced to the public by the respective pretensions of the parties, reduced to writing and recorded in the Journals of the House.

MR. LAFONTAINE'S NOTE TO SIR CHARLES METCALFE, RELATIVE TO THE RESIGNATION OF THE LATE CABINET.

“ Mr. Lafontaine, in compliance with the request of the Governor General, and in behalf of himself and his late colleagues, who have felt it to be their duty to tender their resignation of office, states, for His Excellency's information, the substance of the information which they propose to offer in their places in Parliament.

“ They have avowedly taken office upon the principle of responsibility to the representatives of the people in part; and with a full recognition on their parts of the following resolutions introduced into the Legislative Assembly, with the knowledge and sanction of Her Majesty's representative in the Province, on the 3d September, 1841.

“ That the head of the Executive Government of the Province, being within the limits of his Government, the representative of the Sovereign, is responsible to the Imperial authority alone, but that nevertheless the management of our local affairs can only be conducted by him, by and with the assistance, counsel, and information of subordinate officers in the Province, and that in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare, and good government of the Province, the chief advisers of the representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the representatives of the people; thus affording a guarantee that the well understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government will

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" on all occasions be faithfully represented and advo-
cated."

" They have lately understood that His Excellency
took a widely different view of the position, duties and
responsibilities of the Executive Council from that under
which they accepted office, and through which they have
been enabled to conduct the Parliamentary business of
the Government, sustained by a large majority of the
popular branch of the Legislature.

" Had the difference of opinion between His Excel-
lency and themselves, and as they have reason to be-
lieve, between His Excellency and the Parliament and
people of Canada generally, been merely theoretical,
the members of the late Executive Council might and
could have felt it to be their duty to avoid every possi-
bility of collision which might have a tendency to dis-
turb the tranquil and amicable relations which apparen-
tly subsisted between the Executive Government and
the Provincial Parliament. But that difference of opinion
has led not merely to appointments to office against their
advice but to appointments and proposals to make ap-
pointments, of which they were not informed in any
manner until all opportunity of offering advice respect-
ing them had passed by and to a determination on the
part of His Excellency to reserve for the expression of
Her Majesty's pleasure thereon, a Bill introduced into
the Provincial Parliament, with His Excellency's know-
ledge and consent as a Government measure, without
an opportunity being given to the members of the Ex-
ecutive Council, to state the probability of such a re-
servation. They, therefore, felt themselves in the ano-
malous position of being, according to their own avowals
and solemn public pledges, responsible for all the acts
of the Executive Government to Parliament, and at the
same time not only without the opportunity of offering
advice respecting these acts, but without the knowledge
of their existence until informed of them from private
and unofficial sources.

" When the members of the late Executive Council
 " offered their humble remonstrance to His Excellency
 " on this condition of public affairs, His Excellency not
 " only frankly explained the difference of opinion existing
 " between him and the Council, but stated, that from the
 " time of his arrival in the country he had observed an
 " antagonism between him and them on the subject, and
 " notwithstanding that the members of the Council re-
 " peatedly and distinctly explained to His Excellency that
 " they considered him free to act contrary to their ad-
 " vice, and only claimed an opportunity of giving such
 " advice and of knowing before others His Excellency in-
 " tentions; His Excellency, did not in any manner remove
 " the impression left upon their minds by his avowal that
 " there was an antagonism between him and them, and a
 " want of that cordiality and confidence which would en-
 " able them in their respective stations to carry on public
 " business to the satisfaction of His Excellency or of the
 " country. The want of this cordiality and confidence had
 " already become a matter of public rumour and public
 " opinion, not only extended it to acts upon which there
 " were apparent grounds for difference of opinion, but to
 " all measures of Government involving political prin-
 " ciples. His Excellency, on the one hand, was supposed
 " to be coerced by his Council into a course of policy
 " which he did not approve of, and the Council were made
 " liable to the accusation of assuming the tone and posi-
 " tion of responsible advisers of the Government, without,
 " in fact, asserting the right of being consulted thereupon.
 " While His Excellency disclaimed any intention of al-
 " tering the course of administration of public affairs
 " which he found on his arrival in Canada, he did not
 " disguise his opinion, that those affairs would be more
 " satisfactorily managed by and through the Governor
 " himself without any necessity of concord amongst the
 " members of the Executive Council, or obligation on
 " their part to defend or support in Parliament the acts of

“ the Government, To this opinion of His Excellency as
 “ one of theory, the members of the Executive Council
 “ might not have objected, but when on Saturday last
 “ they discovered that it was the real ground of all their
 “ difference with His Excellency, and of the want of con-
 “ fidence and cordiality between His Excellency and the
 “ Council since his arrival ; they felt it impossible to con-
 “ tinue to serve Her Majesty as Executive Councillors,
 “ for the affairs of this Province, consistently with their
 “ duty to Her Majesty, or to His Excellency, or with their
 “ public and oft repeated pledges in the Provincial Par-
 “ liament, if His Excellency should see fit to act upon
 “ his opinion of their functions and responsibilities.

Daly's Hotel, Nov. 27, 1843.

HIS EXCELLENCY'S REPLY TO THE ABOVE.

“ The Governor observes with regret, in the explana-
 “ tion which the gentlemen who have resigned their seats
 “ in the Executive Council propose to offer in their places
 “ in Parliament, a total omission of the circumstances
 “ which he regards as forming the real grounds of their
 “ resignation : and as this omission may have proceeded
 “ from their not considering themselves at liberty to dis-
 “ close those circumstances, it becomes necessary that he
 “ should state them.

“ On Friday, Mr. Lafontaine and Mr. Baldwin came to
 “ the Government House, and, after some other matters
 “ of business and some preliminary remarks as to the
 “ cause of their proceeding, demanded of the Governor
 “ General that he should agree to make no appointment,
 “ and no offer of an appointment, without previously tak-
 “ ing the advice of the Council : that the lists of candi-
 “ dates should in every instance be laid before the Coun-
 “ cil : that they should recommend any others at discre-
 “ tion, and that the Governor General in deciding after
 “ taking their advice, should not make any appointment
 “ prejudicial to their influence. In other words, that the
 “ patronage of the Crown should be surrendered to the

“ Council for the purchase of Parliamentary support : for,
 “ if the demand did not mean that, it meant nothing, as it
 “ cannot be imagined, that the mere form of taking advice
 “ without regarding it, was the process contemplated.

“ The Governor General replied that he would not
 “ make any such stipulation, and could not degrade the
 “ character of his office nor violate his duty by such a
 “ surrender of the prerogative of the Crown.

“ He appealed to the number of appointments made
 “ by him on the recommendation of the Council, or to
 “ the members of it in their departmental capacity, and
 “ to instances in which he had abstained from conferring
 “ appointments on their opponents, as furnishing proofs
 “ of the great consideration which he had evinced towards
 “ the Council in the distribution of the patronage of the
 “ Crown.

“ He at the same time objected, as he always had done,
 “ to the exclusive distribution of patronage with party
 “ views, and maintained the principle that office ought,
 “ in every instance, to be given to the man best qualified
 “ to render efficient service to the state, and where there
 “ was no such pre-eminence he asserted his right to exercise
 “ his discretion.

“ He understood from Messrs Lafontaine and Baldwin
 “ that their continuance in office depended on his final
 “ decision with regard to their demand : and it was agreed
 “ that at the Council to be assembled the next day the
 “ subject should be fully discussed.

“ He accordingly met the Council on Saturday, convin-
 “ ced that they would resign, as he could not recede from
 “ the resolution which he had formed, and the same subject
 “ became the principal topic of discussion.

“ Three or more distinct propositions were made to him
 “ over and over again, sometimes in different terms, but
 “ aiming at the same purpose, which in his opinion if
 “ accomplished would have been a virtual surrender in to
 “ hands of the Council of the prerogative of the Crown,
 “ and on his uniformly replying to their propositions in

" the negative. His refusal was each time followed by
 " " then we must resign," or words to that purport, from
 " one or more of the Council.

" After the discussion of this question at so much length,
 " being, as he has hitherto conceived, the one upon which
 " the resignation of the Council rested, he is astonished
 " at finding that it is now ascribed to an alleged difference
 " of opinion in the theory of Responsible Government.

" In the course of the conversations which both on Friday
 " and Saturday followed the explicit demands made by
 " the Council regarding the patronage of the Crown, that
 " demand being based on the construction put by some
 " of the gentlemen on the meaning of Responsible Government,
 " different opinions were elicited on the abstract
 " theory of that still undefined question as applicable to
 " a Colony, a subject on which considerable difference
 " of opinion is known every where to prevail. But
 " the Governor General during these conversations protested
 " against its being supposed that he is practically
 " adverse to the working of the system of Responsible
 " Government which he has hitherto pursued, without
 " deviation, and to which it is fully his intention to adhere.

" The Governor General subscribes entirely to the
 " Resolutions of the Legislative Assembly, of the 3d September,
 " 1841, and considers any other system of Government
 " than that which recognises responsibility to the people
 " and to the representative Assembly as impracticable in this
 " Province.

" No man is more satisfied that all government exists
 " solely for the benefit of the people, and he appeals
 " confidently to his uniform conduct here and elsewhere
 " in support of this assertion.

" If indeed, by Responsible Government the gentlemen
 " of the late Council mean that the Council is to be
 " supreme, and the authority of the Governor a nullity, then
 " he cannot agree with them and must declare his dissent
 " from the perversion of the acknowledged principle.

“ But if they mean that Responsible Government, as es-
 “ tablished in this colony is to be worked out with an ear-
 “ nest desire to ensure success, he must then express his
 “ surprise at their arriving at conclusions which he does
 “ not consider to be justified by any part of his conduct,
 “ and which he conceives his repeated declarations ought
 “ to have prevented. Allusion is made in the other propos-
 “ ed explanation of the gentlemen of the late Council, to the
 “ Governor General having determined to reserve for the
 “ consideration of Her Majesty’s Government one of the
 “ Bills passed by the two Legislative Houses—that is the
 “ Secret Societies’ Bill. If there is any part of the functions
 “ of the Governor in which he is more than in any bound to
 “ exercise an independent judgment it must be in giving
 “ the Royal assent to acts of Parliament. With regard to this
 “ duty he has special instructions from Her Majesty’s Secre-
 “ tary to reserve every act of an unusual or extraordinary
 “ character. Undoubtedly the Secret Societies’ Bill answers
 “ that description, being unexampled in British Legislation.
 “ The gentlemen of the late Council had his sentiments on
 “ it. He told them that it was an arbitrary and unwise mea-
 “ sure, and not even calculated to effect the object it had
 “ in view.

“ He had given his consent to its being introduced into
 “ Parliament, because he had promised soon after his as-
 “ sumption of the Government that he would sanction le-
 “ gislation on the subject as a substitute for Executive
 “ measures which he refused to adopt on account of their
 “ proscriptive character, although he deprecates the exis-
 “ tence of societies which tend to foment religious and ci-
 “ vil discord. The gentlemen of the late Council, cannot
 “ fail to remember with what pertinacity those measures
 “ were pressed on him, and can hardly but be aware of
 “ what would have followed at that time if in addition to
 “ rejecting the proscriptive measures urged, he had refused
 “ to permit any Legislation on the subject. Permission to
 “ introduce a Bill cannot be properly assumed as fettering

" the judgment of the Government with regard to the Royal
 " assent, for much may happen during the passage of the Bill
 " through the Legislature to influence his decision. In
 " this case the Bill was strongly opposed and reprobated
 " in the Assembly, but when it went to the Legislative
 " Council, many of the members had seceded, and it did
 " not come up from that House with the advantage of hav-
 " ing passed in a full meeting. Taking these circumstan-
 " ces into consideration, together with the precise instruc-
 " tions of Her Majesty and the uncertainty of Her Majes-
 " ty's allowing such a Bill to go into operation, the Gover-
 " nor General considered it to be his duty to reserve it for
 " Her Majesty's consideration, as it was much better that
 " it should not go into operation until confirmed by Her
 " Majesty's Government, than that it should be disconti-
 " nued after its operation had commenced.

" In conclusion, the Governor General protests against
 " the explanation which those gentlemen propose to offer
 " to Parliament, as omitting entirely the actual and promi-
 " nent circumstances which led to their resignation; and
 " as conveying to Parliament a misapprehension of his
 " sentiments and intention which has no foundation in any
 " part of his conduct, unless his refusal to make a virtual sur-
 " render of the prerogative of the Crown to the Council for
 " party purposes, and his anxiety to do justice to those who
 " were injured by the arrangements attending the Union,
 " can be regarded as warranting a representation which is
 " calculated to injure him without just cause in the opinion
 " of the Parliament and the people, on whose confidence
 " he places his sole reliance for the successful administra-
 " tion of the Government.

" Government House, }
 " November 28th 1843. }

Making allowance for the usual quantum of misun-
 derstandings and discrepancies to be found in state-
 ments of a controversial character, the foregoing suffi-
 ciently discloses that the unfortunate schism between

His Excellency Sir Charles Metcalfe and his ministers in November last, had its origin, substantially, in the right claimed by the latter, to be consulted by the former, upon all appointments to office, and that this right was then strenuously and pertinaciously denied by the Governor General, as witness his emphatic language,—“ *it cannot be imagined, that the mere form of taking advice, without regarding it, was the process contemplated.*”

The controversy, as disclosed by their respective statements, is marked with a positive assertion of a fact on the one side, and its equally positive denial on the other; and there was therefore no expedient left to relieve the Governor General, and his partisans, from their dilemma, than to fall back upon shadowy points of form; and this, strange to say, after a full exposition of the pretensions of each on the real merits of the dispute. It is argued by the Governor General and his party, that it was attempted, on the part of the ministry, to extort from him a formal and irrevocable declaration, or stipulation, as it has been called, that he would not for the future name to office without their *consent*;—and that he should divest himself of the exercise of the Prerogative of the Crown in favor of his councillors. This is denied on the other side, and the public, who have no other evidence to refer to, can only determine the truth of either assertion, by weighing the probability of the affirmative statement, and its necessary consequences, if true. It is at the least improbable, that men, who certainly possessed some constitutional knowledge, and had among their body lawyers of eminence, should require the Governor General to surrender into their hands, that which they must have known he had no power to grant. The folly and absurdity of such a demand afford the best refutation of the assertion that it was ever made, and in truth stamp it as incredible.

The system of responsibility had been recently intro-

duced into this Province. Both the Governor and his Council professed to act upon it in practice; while the former committed frequent violations of it, as understood by the latter. Important appointments were made by His Excellency, without the *knowledge* of his Council; and under such circumstances, it is matter of no great surprise that an interview (as I said,) should take place between the Governor and some of his Councillors, in order to ascertain what really were the views of the former in regard to Responsible Government. Such a course cannot perhaps be defended as constitutional, for the reason already given,—that the prerogative may possibly be thus exercised, adversely to the views of the Council, for the express purpose of *producing* a dismissal. But under a new system, to which both parties declare their adhesion, there was nothing extraordinary nor unreasonable in endeavouring to obtain some *éclaircissement* as to the views of each, while there was apparent good faith on both sides. But such a species of *pour-parler*, if it did occur at all, cannot assuredly bear out the assertion, (though possibly couched in figurative language,)—that the Governor General was called upon to enter into a formal agreement, and to put his hand and seal to an instrument, surrendering the prerogative of the Crown into the hands of his Provincial Cabinet. The conclusion, then, is irresistibly forced upon us, that there is, in this statement, an uncertain and unmeasurable portion of exaggeration.

Another count of the plea of exception as to form is predicated upon the assumed fact, that the ministry did not make a stand on any one given objectionable appointment, according to the admitted usage in such matters, but that they justified their secession from the Council Board, upon the acts of the Governor General in relation to *several* appointments. Drowning men catch at straws. This objection as to form possesses this remarkable feature, that the reason upon which it is

based, has nothing of form in its character; but that it is, on the contrary, pregnant with substance, and virtually enhances the propriety of the conduct of the ministers, by an allusion to facts shewing an aggravation of the unconstitutional conduct of the Governor General, and an unexampled degree of moderation in men, whom their enemies were pleased to charge with arrogance and dogmatism.

But it is idle and stupid, and an insult to our understandings, to discuss questions of form, after such objections have been entirely superseded by a full disclosure of facts, and a definite issue upon the abstract merits of the subject matter of the dispute. The patronage of office, practically speaking, was indisputably the real bone of contention, in whatever shape brought out. The retention of the fat offices at the disposal of the Crown, by the Governor General, and the insignificant clique within his own little curtilage, apart from, and independently of, the responsible madatories of the people, was, in the opinion of every man of candour or sense, the game played by the Governor General and his party. This cloven foot stands out in bold relief in Mr. Higginson's conversation with Mr. Lafontaine. The pretension of His Excellency, and his European satellites, is based upon the arrogant assumption, by the minions of Downing Street, of an innate metropolitan superiority over the inhabitants of the Colonies;—a pretension utterly unfounded, and not to be brooked by any right minded colonist. It is one which inspired the late revolted Colonies, (now the United States of America,) with an unnatural and implacable hatred to their brethren of the British Isles. That emulation of every thing noble and virtuous, which animates the inhabitants of Great Britain and Ireland, is a distinguishing and laudable trait in the national character, and one which has contributed largely to the present exalted rank of that country among the nations of the earth; but it is a mistake to

suppose that every empty-headed pate which crosses the Atlantic, possesses this degree of excellence embodied in his own person. It is a matter of daily occurrence to hear these notions of superiority put forth by adventurers, in various stations and professions, into Canada, from the other side of the water, but who, when pitchforked into office through some sinister influence, betray such a degree of incapacity as to disqualify them from carrying grub to a bear.

The attempts to retain the Patronage of office solely and absolutely in the Head of the Executive, in defiance of the principle of Colonial Responsible Government, was the last plank of the wreck of official domination in Canada. That the public men enjoying the confidence of the people, and possessing, each in his own section, a knowledge of our local affairs, must be the best judges of the fitness, or unfitness, of all applicants for office, is a proposition too self-evident to be called in question. That they could carry on the Government, without this powerful auxiliary, or with its influence exerted against them, is an opinion which can only be entertained by men absolutely opaque as to the working of the British Constitution, or by such as make their political principles subserve their own private interests. But that the Public Functionaries should be responsible to the Legislative Assembly for acts of the Government, made without their participation or knowledge, and the first intimation of which they had the humiliation to receive from news-mongers in the streets,—is a doctrine adapted only to the judgment of babes, or the *pericrania* of madmen.

It has thus been incontrovertibly brought home to the judgment of every just and candid mind, and in truth no one now ventures to deny, that the antagonist notions of His Excellency and his ministers, upon the exercise of the Prerogative in regard to the patronage of office, were the *real cause of the quarrel*. And further that the views entertained by the Ex-ministers on this head were

strictly conformable to the practice obtained in England, and that they were justified in setting up the right which they claimed, and the Governor General wrong in resisting it. The stand, therefore, made by the Lafontaine—Baldwin Cabinet was perfectly constitutional and praiseworthy,—thus establishing the second and third points involved in the quarrel.

Thus far the reasons and arguments advanced have been restricted to the merits of the quarrel *at the time of its occurrence*. There is one more argument, however, which has an important bearing upon the subject at the present time, and which, in justice to the Ex-ministers, must not be overlooked, although it may be deemed objectionable by reason of the proof required to strip it of its character of extreme improbability in point of fact, and because it detracts materially from the proverbial candour and manliness of an Englishman, and the dignity of an English Statesman. The misunderstanding, as it has been shown, arose out of the right *to be consulted* claimed by the ministry. The Governor General, not acquiescing in such a pretension, accepted their resignations in November last. The country has since been agitated by himself and his partizans, in order to create a majority adverse to the Ex-ministers, and the Provincial Parliament has been dissolved in order to a final appeal to the whole constituency of Canada upon this head. Will it be believed, that notwithstanding this hot and violent agitation, prejudicial to the peace of the Country, and damaging to its best interests, one of the parties, and the aggressor in the quarrel, has long since succumbed on its main and sole cause, and has publicly and solemnly announced, "that he would never *dream* of "carrying on the Government of the Province without "consulting his constitutional advisers;—thus sanctioning the principle contended for by the Ex-ministers; and—that notwithstanding such an unqualified recantation, he persists in refusing justice to the Ex-ministers, and in

ruling the country by a batch of incapables, notoriously without any political influence, instead of replacing matters *in statu quo ante bellum*, and thereby exhibiting a moral courage, and a sense of justice, becoming his exalted station.

You have next to consider that important feature in the present controversy which is predicated upon the *quo animo* of the ministerial opposition, and imputes to them, and the majority of the late House, and their adherents, motives dishonorable to them as men, and subversive of the supremacy of the Mother Country.

In bold and disreputable contrast to the course which ought to have been followed, the victims of defeat sought a refuge amid the seeds of discord, and the Province of Canada, during the nine months which followed the unfortunate schism, has exhibited a spectacle to the world unexampled in constitutional countries. The Representative of the British Sovereign, and as such—the representative of the Fountain of justice, of order, decorum, moderation, impartiality, and of every virtue and quality which indicates a dignified seclusion from party strife and politics,—the chief magistrate of Canada, and the Governor General of British North America,—has been agitating !—incessantly agitating ! !—emitting volumes of calumnious and inflammatory “Answers to Addresses” charging the Ex-Ministers, and their adherents, with a design factiously to agitate the country in opposition to him,—(the very offence, like the Wolf in the fable, of which he himself was guilty,) and imputing to them a desire to subvert the authority of the mother country in Canada; while the whole Province, and Lower Canada in an eminent degree, was in profound peace, not exhibiting the slightest indication of discontent, disaffection or disloyalty,—and while the agitation—if it deserve the name,—in Upper Canada, was confined to the discussion, peaceably and constitutionally, of an abstract principle in the practical operation of the British Constitution,—a

right indisputably inherent in the humblest subject of the Crown, and perfectly compatible with the most devoted loyalty to the Queen, who is the living and honored emblem of the Constitution whence these inestimable rights flow.

Your views, and those of all the constituencies of Canada, have been attempted to be diverted from the real merits of the contest, by representing it as one in which the loyal portion of the inhabitants were arrayed against the disaffected and the rebellious, and which involved in its issue the further connexion of this Colony, and of all the British North American Possessions, with Great Britain. The object of this *ruse* was to intimidate a certain class of the inhabitants, by an allusion which recalls the late wicked and disastrous struggle to extort from the mother country certain concessions, which, justly or unjustly, she had expressed her determination not to yield, and thereby to characterise the present peaceful contest, as one of a similar sinful stamp, and calculated to produce a similar baneful effect. Of all the weak inventions of a weak enemy, this is the weakest and the basest. It is worthy of a hireling press, the toady eulogists of the Rump ministry of the day, whose clamorous zeal is ever in the inverse ratio of the sanity of its pretensions. This villanous game, worthy of a villanous cause, has been practised to a large extent in Upper Canada, and the honest loyal yeomanry of that country have been duped into the belief, that the late ministers, and their adherents, are a faction banded together to dissolve our connexion with Great Britain ;—and disaffection—disloyalty—treason—rebellion, have been incessantly dinned into their ears, until it has resulted, in two monster lies, namely :—That the advocates of Responsible Government, according to the principles of the British Constitution, are a “ *Revolutionary party* !” and the followers of Sir Charles Metcalfe, to wit,—the Tory Compact of Upper Canada, and the servile official fac-

tion of Lower Canada—the “*Constitutional party!*”—by whose chivalrous,—disinterested devotion to Great Britain, that connexion is to be maintained.

These madmen have been permitted, nay incited to play off their demon antics in the broad face of day, & to impair the character of the inhabitants of Canada for peace and loyalty, as well in the eyes of Great Britain, as in those of the whole world, and this at a time when the quiet of the church yard reigned throughout the land, and while every man in the frenzied ranks of their calumniators, from the highest to the lowest, knew, felt and believed in his craven heart, that the country never was more peaceable, more loyal, nor less disposed to throw off the powerful and protecting arm of Great Britain, and to transfer its allegiance to another Power,—the necessary and inevitable consequence of such a step. We have every thing to gain by remaining united to the freest and the most enlightened nation of the globe,—every thing to lose by fleeing her banner. Under the shield of British power, law and order are supreme throughout her widely extended dominions. Impartial justice is meted out to the lowest criminal, and the condemned felon yet feels the rights of a British subject in being protected from the bloody hands of the mob. There no “*equal*” son of Adam treads the ground, the pinioned—degraded slave of his fellow man, and no ruffian hand dares apply the torch to the peaceful sanctuary of female piety, nor the fiend of intolerance disturb the worship of the Creator, under whatever creed, or by whatever form, conscience may direct its exercise. Such are the inestimable blessings which we enjoy as a dependency of that mighty empire, and we do not the less appreciate them, nor are we less worthy of them, by demanding our full rights as British subjects. The charge of disloyalty, then, we indignantly repel as being false, and utterly unfounded, and to him who may still persist in the calumny, we answer, in brief english,—“He lies in his throat.” The loyalty of

all those who advocate the doctrine of Responsible Government, and maintain the party of the Ex-ministers, stands unimpeached; and their regard for their Sovereign and the British Constitution, is immeasurably superior to the cant of that pharisaical tribe, who, utterly reckless as to the fate of their country, or the honor of their Sovereign, have loyalty for ever in their mouths, as the ever ready incense which they offer up to every successive Governor, whatever his party or his politics, and which would be obsequiously lavished on a Bahoon, were he decked in the official uniform of Downing street.

In addressing the Legislative Assembly of Canada, I of course must submit my reasons and arguments to the judgment of an Assembly, composed, like every other political body, of heterogeneous materials. I assume that to whatever parties in politics you may be subdivided,—whether reformers on the ex-ministerial side, or on that of Sir Charles Metcalfe;—whether Tories of the Upper Canada family compact, or of the Lower Canada official class;—whether uncompromising supporters of the Responsible Government question, or moderates,—disposed to steer your course according to the tide of affairs, or to whatever other shade or hue in politics you may belong;—I assume, and believe, that you are all imbued with a spirit of profound loyalty to the Sovereign of that country, which has ever been the foremost in the cause of rational freedom, and from whence you derive that bright inheritance which enables you now to battle, freely and independently, for the supremacy of those principles which you conscientiously believe to be most conducive to the permanent peace and welfare of your country. Many of you have given substantial proofs of your devotion on this head, and there are others among you whose loyalty no one would dare to impugn, for you have loudly proclaimed it to all the winds of heaven, and, in the ardour of your professions, have charged with disloyalty all those whose powers of vociferation have been unequal to

yours. And as to that numerous, influential, and enlightened portion among you, who, amidst a host of calumnies continually reiterated against you, have contended patiently, peaceably and constitutionally, for the development of the genuine principles of the British Constitution, evincing at the same time the most profound respect for the majesty of the law, and the paramount authority of the empire,—he who impugns your allegiance, however high his rank, and to whatever class, creed or country, he may belong, is but a coward or a knave, unworthy the name of a British freeman, and whose loyalty is but a filthy garment, the fashion and colour whereof are ever changed to suit the caprices, and the alternate and adverse politics of a Durham, a Sydenham, a Bagot, or a Metcalfe.

Such of you who may conscientiously believe, that the great question upon which the Provincial Parliament has been dissolved, is in the slightest degree tinged with revolution, are bound in duty fairly and honestly to enquire into this accusation, as a *preliminary* point, ere you enter upon the one absorbing topic of the day. If upon a cool and impartial retrospect of the conduct, and avowed principles, of the Ex-ministers, and their supports, you come to a decided conclusion, that Sir Charles Metcalfe was justifiable in denouncing them, to the people of the Province, and to the world at large, as traitors to Her Majesty's government ;—if you are satisfied that the hue and cry of "Connexion or no connexion," "Revolutionary party," &c., raised against them among the fanatics of Upper Canada, was well founded, and that in truth the advocacy by them of Responsible Government was but a cloak, a stalking horse—under the mask of which they were bent upon producing a renewal of the disastrous scenes which lately afflicted this country,—then it becomes your duty, one and all, to express your abhorrence of such designs, and your unqualified approbation of the stand made against them by the Governor General, with a view to crush such a wicked pur-

pose in its inception ; and this you are bound to do, without regard to the correctness or incorrectness, in the abstract, of the principles upon which he took his ground ;—for better by far the domination of a Special Council, if backed by the protective arm of British power, even though administered under the galling sway of rapacious officials, than the horrors of civil discord, and the transfer of our allegiance to a Power, under which anarchy and mob caprice, with the violation of every civil contract, hold perpetual sway under the colour of constitutional government.

But I put it home to the conscience of every one of you, as men of honor, sitting in judgment upon the deeds of your fellow men, bound to find a verdict, under your oaths to your country and your God, conformably to the dictates of truth and justice, unbiassed by the smiles of greatness, and undeterred by the threats of its impotent displeasure ;—if, after a calm and dispassionate investigation of the conduct of the ministers, you find these calumnious charges, so publicly and so unscrupulously levelled against them by Sir Charles Metcalfe, to be unsupported by any proof, or any presumption of guilt ; and that in the act of resignation there was a total absence of any nefarious design ;—that while the Governor General was fulminating libel upon libel against them, he could not lay his hand upon a single act, word or deed of theirs, to shadow the vile detraction ;—that in stead of factiously and seditiously agitating the country in opposition to Her Majesty's Government, he—the Representative of Her Majesty, constituting in his own person, a co-ordinate branch of the Provincial Legislature, was descending to the pernicious game of sounding, falsely, the tocsin of dissaffection and rebellion, and impugning the motives, as well of his late advisers, as of an overwhelming majority of your predecessors,—another co-ordinate branch of the same Legislature, entitled to respect at his hands,—and that he was appealing to

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odious prejudices, and stirring up the worst elements of our nature, to further his own tortuous policy ;—if such should be the result of your deliberations upon this preliminary question of the loyalty or disloyalty of the Ex-ministerial party,—then, and in that case, are you bound, in honor and in justice, to find upon the fourth head of enquiry, that “ the mere assertion of the right to be consulted, set up—whether rightly or wrongly,—by the late ministry, implied no design on their part to subvert the authority of the British Crown in this Province, and that neither their manner of asserting it, nor their conduct, or that of their adherents, since the resignation, was indicative of any treasonable purpose, or of any other object or design whatever, than the mere enunciation of a constitutional right which they conscientiously believed themselves to possess ; and that the course pursued by them. in this matter, was perfectly compatible with the most profound loyalty to their sovereign,—and, as a necessary consequence, that the Governor General was not justified, but on the contrary, highly reprehensible, in charging them, publicly and repeatedly, with disaffection, disloyalty, and a desire to overthrow the authority of Great Britain in Canada.”

Having reached this sound conclusion, it is superfluous to say that you must discard from your minds any prejudicial impression which may have been made upon you, and that you must approach the main question of the day, your judgment freed from the poisonous colouring which these accusations may have imparted to it ; and that although returned by constituencies suspicious of the views of the late ministry, you must do, precisely what they, in the honesty of their hearts, would do themselves, if disabused of the vile imposition practised upon them,—you must, like true Britons, give the Ex-ministers a fair and impartial British trial, upon the abstract merits of the question of their resignation,

according to the sound principles of the British constitution.

Having thus disposed of the four first points involved in the quarrel of His Excellency and his late ministers, it becomes necessary now to enter upon the consideration of the fifth and most important point for your deliberations upon the commencement of the present Session of Parliament, namely—Whether,—the ministers being justified in resigning their offices,—ought now to be sustained in their position, *and the confidence of the Representatives of the people withheld from any other public men, accepting office in their stead, of whatever party in politics.*

It is possible that there may be among your body a certain number disposed to admit the fairness of the conduct pursued by the late Ministry, and the soundness of the principles, contended for by them, who—yet—are indisposed, or do not see the necessity, to force matters to such a pass, as would ensure a triumph to one party, or a marked defeat to the other. This class does not deem it necessary to disturb the present order of things, provided the Head of the Executive consent to administer the Government according to the interpretation of the system of Responsibility advocated by the Ex-Ministers, and are of opinion that it is immaterial for the interests of the country, by what set of men the reins may be held. This is a fatal error. As the controversy now stands between the Governor and his discarded ministers, a principle is involved in the very persons of the latter, that being the sole remaining point which the public declarations of the former still leave unsettled.

If the Governor be sustained by you in his present position, a precedent will be established which will give him a veto as to the appointment of men, in whom the country may have expressed its confidence, and thus the

entire phalanx of the popular branch may be annihilated, and the responsible system itself virtually neutralised in practice. In every instance of a disruption of the Provincial Cabinet, the appeal must be to the country, both parties being amenable to public opinion, as expressed through the representatives of the people in Parliament. If upon the reasons assigned, the Governor General be supported in his views, the ministry are forthwith to be shelved. If, on the other hand, their course be approved, it would be blind policy and rank cowardice to abandon them. This is the great principle involved in the last, and all important head of enquiry.

This notion of indifference as to the particular persons to whom the reins of government are to be confided, is a point which will be pressed upon you in order to sustain the present Ministry. It is a *ruse* of the enemy which must be defeated, for although a shallow one, it is nevertheless fraught with more danger to the permanent establishment of true Responsible Government in the colonies, than any other.

You will be told, with an air of great earnestness, that there is in reality no difference between His Excellency and the late Ministers, about the practical operation of the system, and that he has always professed himself favorable to the most liberal interpretation of it. In short you may be prepared to hear, that when he declared, in his written answer to the explanation of the Ex-Ministers laid before Parliament, that,—“*it could not be imagined that the mere form of taking advice, without regarding it, was the process contemplated*”—he meant, what he afterwards publicly announced,—“that he would never *dream* of carrying on the government of the Province without *consulting* his Council.” It will possibly require all the ingenuity, and all the eloquence, of all the eminent men of his present Council, to persuade you, that there is not in these two declarations, an irreconcilable repugnancy, and that however conscientiously

he may have at one time upheld the doctrine contained in the first declaration,—the promulgation of the second one contains irrefragable proof of his abandonment of the first, and that he has virtually capitulated upon the main cause of the quarrel, and that his pertinacious and continued hostility to the cause of the Ex-Ministers precludes any charitable supposition, that his *first* position, though erroneous, was maintained in good faith, or *sans connaissance de cause*.

It will be attempted, as one of the wiles of the enemy, under the tuition of Lord Stanley, whose object is to burke the invaluable boon conceded to this country under the auspices of the Earl of Durham, and reduced to practice under the administration of Sir Charles Bagot, (whose memories you will allow to be unstained with a single act or thought inimical to British supremacy in the colonies;)—every art will be put in requisition to impress upon you, that the Responsible Government contended for by the Lafontaine—Baldwin administration is inconsistent with the subordinate relation of the Province to the Parent state;—that it is an *imperium in imperio*;—that it is absolute and unqualified independence, and that from the moment of its full and final concession, as now insisted upon, the colonies are gone for ever.—Fudge!—Believe it not. Draw a clear and distinct line of demarcation between questions of an Imperial, and those of a local nature, and the problem is at once solved. In regard to the management of the latter, we are entitled to have a ministry—a state Cabinet—holding office as long as its members command the confidence of the Legislative Assembly, and working the machine of local administration, precisely in the same manner as in the metropolitan Cabinet. I could not more strongly fortify this view of the subject, than by invoking the publicly pronounced opinion of a distinguished member of the late Legislative Assembly, well known to you all, and to the whole Province, as an eminent Constitutional lawyer, and

one whose loyalty and attachment, as well to his Sovereign, as to this the land of his birth, are undoubted, and with respect to the honesty and independence of whose opinions there is not an individual in either section of the Province, of whatever origin or party, who entertains the shadow of a suspicion. Upon a requisition being addressed to him to come forward as a Candidate at the late Election, based upon his already declared views on the general principle of Responsibility, and his refusal to take office under the Viger—Draper Cabinet, in the following terms :—

“ The undersigned, Electors of the City of Quebec, assuming, as well from your approval, in the late Legislative Assembly, of the right insisted upon by the late Ministry, of being consulted by the Head of the Executive upon all matters touching the administration of the local affairs of the Country, as from your refusal to take office under the present Administration, that you are disposed to carry out the system of *Responsible Government* recognised in this Province, and to advocate its practical application to the local affairs of the Province upon the same principles upon which it is adhered to in the Metropolitan Cabinet, coupled with a due regard to the dependency of the Colonies towards the Parent State, and reposing the highest confidence in your integrity and abilities, and in your regard for the inalienable rights of the People, and the just Prerogatives of the Crown, hereby respectfully request you to come forward as a Candidate, at this important political conjuncture, to represent them in the Provincial Parliament, in conjunction with **JEAN CHABOT, Esquire, Advocate.**”

That Gentleman replied :—

“ The opinions I am known to entertain in relation to a constitutional responsibility of the advisers, ministers and officers of the Sovereign within the Colony, are such as must, I think, be generally recognized as involving the only principles upon which the Colonial

"administration can be conducted. I cherish the confident hope that they will prevail and ultimately secure the peace and prosperity of all the British North American possessions. Firmly convinced of the indispensable supremacy of the Parent State, and of the importance of drawing closer the bonds of our union with that great Empire, I feel persuaded that nothing can contribute more to this important end than assimilating the administration as nearly as possible to the practice and spirit of the wise and enlightened government which it enjoys."

The votary of Responsible Government, who could pronounce such an answer to such a requisition, as not sufficiently embodying all that we are now contending for, is an *exalté* whose theoretic ardour surpasses his discretion; and the orthodox supporters of British connexion, the consistent *legitimists* of St. Peter street, who could approve Sir Charles Metcalfe's Responsible Government code, and yet take umbrage at this answer, is a Tory of the most odious stamp, wanting the usual rectitude of that class of politicians, and ever ready to adopt any system,—even a democratic one, did it proceed from the mouth of a despot. To such a subservient class, the mere discussion of political rights is offensive, and the most arbitrary Special Council would be distasteful, because of its *semblance* to a deliberative body.

There is another point which though not connected with the question of the day, may yet not be unworthy of notice. If credit is to be given to rumours which are afloat, without being traceable to any distinct paternity, it would appear that persons belonging to the reform cause have it in contemplation to moot the repeal of the Union of the Provinces. There is no one subject which could be broached in the House at the present juncture, calculated to exert a more baneful effect upon the main question of the day, and the general course of events, than the re-opening of such a vexatious point. It is to be

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hoped that no individual member will introduce any measure or subject, having a tendency to embarrass the great question of the day, or the general policy of the reform party. Let it be remembered that it is now the law of the land, and that the late confidential Ministers of the people, whose cause we all support, have solemnly ratified the Act of Union, by the permanent establishment of the Seat of Government in the City wherein you now hold your deliberations, and that any attempt to disturb it now, would have the twofold effect of weakening that cause, and of giving a color to the slanderous imputation which the enemy of that cause has never ceased to promulgate against the Ex-ministers and every man who dares to defend them. It would afford him and his supporters a handle, the preponderating and damaging effect of which would be irretrievable. Besides let it be borne in mind that the Union, (without giving any opinion as to the policy of that measure before its enactment,) has brought in its train at least two precious gifts,—the concession of a free constitutional system of government, and a coalition between the inhabitants of the two countries holding the same political principles, under the benign sway of which the stupid—hateful—damnable distinctions of national origin are fast fading away; and that when the stringent enactments of the Union Act respecting the apportionment of the representation, and the provisions of the Civil List, shall have been modified or expunged, its future working may conduce more to the peace of the country, and to the cause of civil liberty, than many of us may have reason at present to anticipate.

To return: His Excellency Sir Charles Metcalfe has placed himself in that awkward dilemma that his policy must be subjected to your stern review, with reference to two separate and distinct branches of it;—the one involving the propriety of his treatment of the Ex-ministers, and the other the constitutionality of the

course pursued by him since the month of December last. Should the result of your deliberations exonerate the late ministers from all blame, then your endeavours must be directed to reinstate the bark of the constitution in that healthy course which she was pursuing, when the blasting winds of official interference paralyzed her energies, in order at once to establish on a permanent basis, those principles of colonial responsible government, which have been imprudently invaded by the Governor General, and to prevent the country being again convulsed for the purpose of upholding, in an unjust personal quarrel, one of the contending parties, long after he himself has cried *peccavi*.

Should the majority of you, however, find negatively upon the various points now brought under your consideration, and throw its weight into the scale in favour of the inculcation, by Sir Charles Metcalfe, of the members of his late cabinet, no doubt can possibly remain that after having come to such a sane conclusion, that majority will tender its ready approbation of the policy of the Governor General since the resignation, and of his present advisers, as well as of any others whom it may please *him* to honor with his confidence.

The present enquiry is directed chiefly to the cause of the Ex-ministers, as it stood in November last, because in that cause a great principle is at stake, and subsequent events are only entitled to consideration in so far as they extenuate or aggravate the conduct of the belligerents, and thereby reveal the *quo animo* of either, at the time of the split. The wisdom displayed by His Excellency in the choice of his present counsellors, and the policy which they have followed, come not within the immediate scope of the present enquiry. They have both received a sufficient quietus in the fact of their unqualified condemnation by all parties in the Province, of whatever sect or party.

The resignation of the late ministry is an act which

redounds to their infinite honour. It triumphantly refutes the bugbear of the worshippers of Special Councils and arbitrary Government,—that we have no *materiel* in this Province for a Responsible Government, and a Colonial Cabinet removeable at the will of the Assembly. The first ministry under the new system have furnished a brilliant example of public men, who prefer public virtue and principle, to office or emolument, notwithstanding the ravings and the calumnies of a hireling press, who ascribe their conduct to mercenary views. To impute sordid motives, and a love of office, to men as a *reason* for resigning lucrative offices, is a contradiction in terms, and so palpably absurd that the judgment of the accuser must be irrecoverably warped by the dishonesty of his own purpose. Such a charge deserves to be placed in juxta position with that one which characterises Responsible Government, *i. e.*—the free working of the British Constitution as practised in England!—to be but another name for an “Elective Council,”—*i. e.*—an organic change in the constitution destructive of its system of checks and balances, and savouring strongly of republicanism, and the insane demand for which, by the late Lower Canada Assembly, led to revolt and all its concomitant miseries. It is deplorable that men of standing in the community should be rendered so rabid by opposition and defeat, as not to know that sound moralists have long since discarded the flimsy distinction between private and political integrity, and private and political turpitude. To charge a large majority of the people of Canada with treasonable designs, without offering one substantial ground for the accusation, is a flagitious act which ought to be held up to public reprobation, and must be taken as evidence of no earthly object, save a desire to produce the very mischief which the chief accuser, and his lackey press, affect to deprecate. “*It is hardly fair,*” wisely observed the “Nestor of Canadian politics,” “*to ascribe to the*

“ Executive Councillors, who resigned, other motives than those which they avow”!!—as witness his own hand, in his Gazette of the 22nd December, 1843.

In vain will be your acquiescence in all the points previously submitted to your consideration, if they fail to produce that determination upon the fifth head of discussion which would seem to be the inevitable consequence of the others. To be of opinion that the Responsible Government of Canada, in the management of its local affairs, is the counterpart of the practical machinery of the British Constitution in the Cabinet of Downing Street:—and that the late ministers surrendered the reins of Government, and their lucrative appendages, under a high and imperative sense of duty, confirmed by the approval of the country and the confessions of their adversaries:—and that their conduct and their motives have emerged scatheless and unsullied from the iniquitous crusade, and the war of detraction, which they have endured at the hands of an unscrupulous enemy:—to coincide in these views, and at the same time to withhold, from the Ex-Ministers, that sentence of approval, which the injured ever command at the hands of the just, and from their opponents, that rebuke, which is the reward of the aggressor and the slanderer,—is to hold an opinion which is utterly valueless; it is to deny the sanction which is due to right, and to offer a premium to the wrong-door;—to refuse justice to the “good and faithful servant” and to applaud the oppressor; it is telling the sinner that he may sin with impunity, and repent without restitution:—it is exhibiting to the world the spectacle of a public Body, presumed to be the concentrated wisdom and patriotism of the land, conscious of the rectitude of their accredited public servants, and of the justice of the sentence pronounced upon them by their former masters;—yet lacking the moral courage to act upon that opinion, and preferring the unenviable course of sacrificing the honor and independence of pu-

blic men, and stultifying the acts of their predecessors, to a high-minded and impartial discharge of their duty, irrespective of every influence and consideration, save the dictates of justice and the honor of their country.

Remember the golden rule ! The non-observance of it now will entail endless difficulties upon the country and its well wishers. Should your decision be adverse to right, the lesson will be recorded in indelible characters in the history of your proceedings. In the face of such an example, and after such a disastrous issue to a meritorious struggle for the maintenance of your rights, what man among you, or in all the Province beside, will have the hardihood to take the helm of affairs ! The destinies of your country may be hereafter assailed, in perilous times, by political adventurers clothed with imperial authority, and the utmost fortitude of which human nature is capable, may be put to the test to enable public men to stand in the breach, in order to frustrate the designs of tyranny.—Let the page of history which recites the deeds of the Legislative Assembly of Canada, for the present eventful session, furnish an example that the public men who did not swerve from their duty to the country, were not forgotten nor contemned in the hour of trial, and that the eternal dictates of right and justice were not permitted to succumb to selfish considerations of human expediency, or the pressure of political intrigue.

It is impossible now to foresee at what period of the session, or in what shape you will be called upon to inscribe that vote upon the Journals of the House which will record your finding upon the points now submitted to you. But come it must,—and your judgment must inevitably be that the late Ministers,—having been justified in your eyes, *must be upheld in their constitutional stand, and your confidence withheld from those who have accepted office in their stead, of whatever party in politics ;* and every man among you must then be prepared

to submit the reasons of his judgment to the tribunal of public opinion, which, sooner or later, will reach with its avenging hand, every culprit who deserts his country in the hour of trial.

To that enlightened and independent portion among you whom no earthly consideration can deter from the performance of the high duty which now devolves upon you, the present address is a work of supererogation. In whatever shape & whatever time the first decisive demonstration of friendship or hostility to the late ministry is made, you will be found at your posts, and your judgment will be such as to ensure you, to your latest hour, the approval of your consciences, and the applause of your country.

To such of you as may have taken your stand among the hostile ranks, under a conscientious belief of the correctness of your course, and whose motives and characters are above suspicion, (for many such there are,) an earnest and solemn appeal is made, and the only one which propriety, and a due regard for your integrity and independence will permit, namely, that you will make up your minds after a fair and impartial consideration of the case, stripped of every foreign and sinister influence, and render that judgment which you yourselves would expect at the hands of others, were you placed in similar circumstances.

But to those among you who are ever found marshalled on the side of authority, by whatever hand the sceptre may be wielded,—whose loyalty and whose patriotism take their tone from your official Master, whose life is but a tablet stereotyped in acts of servility to the “powers that be,”—and whose souls are impervious to the anathemas of public opinion, (for some such there are,)—to you I say, hold on inflexibly your undeviating course of tergiversation upon every measure and principle, save your single-eyed allegiance to the automaton of the hour. Beware that you do not betray the cause of the “Compact” and of your

patrons—the Tories, officials and fanatics of both sections of the Province, by a deviation into the paths of truth and independence, but prove ye yourselves ever worthy of your hire. Above all pollute not the cause of freedom, nor transform an honorable defeat into an ignominious victory, by a union with her ranks ; for better by far to her cause the most humiliating failure, than a triumph obtained by such a damaging coalition.

To one and all:—Remember that the eyes of the whole Province,—of all the North American Provinces, are fixed upon you. Should you, under the influence of motives of false delicacy, permit the liberal policy which has recently been adopted towards Canada, to be superseded by the caprice, or the stolidity of the nominees of Downing street, and the intrigues of chronic provincial place-hunters, you will mar the prosperity of that country, of which the guardianship, in an evil hour, will have been confided to your hands, and you will recommit its destinies, irretrievably, into the hands of the underlings of the Colonial office. Whereas by a firm and independent stand for your political rights, you will establish permanently in Canada, a COLONIAL constitution, possessing, like its revered prototype, all the essence, without the vices or the impurities of a democracy, giving the Colonies their legitimate preponderating voice in the management of their affairs, and under the antiseptic influence of which, the Colonial Body-Politic will acquire health and stability ; and you will thus effectually consign the whole calumnious rebel tribe of Tories, officials and Compact men, to the Tombs of all the Capulets, there to expiate their sins of treason to their country, committed under the mask of loyalty to their Sovereign. You will mature that spirit of constitutional freedom, intermixed with sentiments of loyalty to the Queen, and of gratitude to the British people,—the fruit of their enlightened policy,—which has just begun to dawn upon the British Colonies, prophetic of their future prosperity, and

their permanent and happy connexion with the parent state. You will re-establish the credit of the Province of Canada, on that high footing which every man of probity within its limits is conscious that it merits, and you will rescue its peaceful moral inhabitants from the character for turbulence which their enemies have recently, and most foully, been labouring to affix upon them in the eyes of the whole world. All this you will assuredly accomplish by an upright, straightforward line of conduct, consonant alike to the dictates of sound loyalty and genuine patriotism, and inflexibly pursued, without fear of censure or hope of reward. And may the eternal principles of truth, honor and justice overrule your deliberations.

ZENO.

Quebec, 28th Nov. 1844.

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